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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,964	03/15/2004	Martin Greive	A-3945	2551

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT PAPER NUMBER

3651

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/801,964	<b>Applicant(s)</b> GREIVE, MARTIN	
	<b>Examiner</b> Leslie A. Nicholson III	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/27/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/15/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is a first action on the merits of application 10/801964.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed 3/15/2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. This is the case for disclosed German patent document 199 01 698 A1.

#### ***Specification***

3. The disclosure is objected to because of the following informalities:

The headings should appear in upper case, without underlining, as a section heading (37 CFR 1.77(b)).

Appropriate correction is required.

#### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "52" has been used to designate two different edges in Fig.2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the

Art Unit: 3651

description: 53. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 describes an apparatus for adjusting a height of said guide element assigned to said central conveying segment opposite the print head in accordance with a thickness of the sheets, for setting a spacing distance between a surface of a sheet to be printed and the print head. The apparatus is claimed to adjust the height of the

Art Unit: 3651

guide element, but the means for the device to adjust according to sheet thickness is not disclosed. One of ordinary skill in the art would not be able to reproduce the invention claimed to adjust height in accordance with thickness from neither the specification nor the claims.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1,2,6,7,8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (5,992,994) in view of Doyle (6,032,577).

Regarding claims 1,2,6,8, and 9, Rasmussen discloses a device comprising a(n):

Regarding claim 1,

- plurality of deflection rollers (Fig.4; reference numerals 92,112) and a conveyor belt (Fig.8; 142) disposed to run over said deflection rollers
- guide element (95)
- apparatus for adjusting height of said guide element (96)

Regarding claims 1 and 2,

- a guide element (upper flanges of Fig.8; reference numeral 155) opposite the print head forming a unitary structure in combination with a suction box (155) (column 10, line 44-55)

Regarding claim 6,

- a lever mechanism included in said apparatus for adjusting said guide element opposite the print head (column 9, line 25-28)

Regarding claims 8 and 9,

- holding device and a head mounted to said holding device (column 5, line 57-60); said head is a print head or an inspection head in the printing machine (column 7, line 23-25)

Regarding claims 1 and 8, Rasmussen does not expressly disclose three mutually adjacent conveying segments defining a conveying path for the sheets.

Doyle discloses a device for conveying circuit boards through a printing machine. Doyle teaches three mutually adjacent conveying segments (column 2, line 10-20) for the purpose of defining a path for print processing.

At the time of invention it would have been obvious to one having ordinary skill in the art to have used three mutually adjacent conveying segments, as taught by Doyle, in the device of Rasmussen for the purpose of defining a path for print processing.

9. Claims 3,4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (5,992,994) in view of Doyle (6,032,577) and in further view of Scori (5,524,676) and Maass (5,697,606).

Rasmussen discloses all the limitations of the claims (see ¶8), but regarding claim 3, does not expressly disclose the device comprising:

- three suction boxes each disposed at a respective one of said three conveying segments
- suction boxes having guide elements for said conveyor belt
- a central suction box adjustable in a direction of the print head
- said central suction box being connected to the adjacent said suction boxes in an articulated manner

Maass teaches a device comprising three suction boxes (Fig.1; 1,2,3) each disposed at a respective one of three conveying segments (column 4, line 46-48) wherein said suction boxes have guide elements for said conveyor belt (9) (column 4, line 46-49) for the purpose of adapting negative pressure in a suction belt feed (column 1, line 9-11).

Scorl teaches a device comprising a central suction box (Fig.2; 18) connected to adjacent suction boxes (18) in an articulated manner wherein said adjacent suction boxes are pivotally mounted for the purpose of connecting the neighboring suction boxes to the central suction box with the aid of pivot elements to provide for a means to articulate the suction boxes to form flexibly positionable suction channels.

At the time of invention it would have been obvious to one having ordinary skill in the art to have used three suction boxes each disposed at a respective one of said three conveying segments each having guide elements for said conveyor belt and, wherein a central said suction box is adjustable in a direction of the print head and is connected to the adjacent said suction boxes in an articulated manner, as taught by Maass and Scorl, in the device of Rasmussen, for the purpose of connecting the

Art Unit: 3651

neighboring suction boxes to the central suction box with the aid of pivot elements and thus providing for a means to articulate the suction boxes to form flexibly positionable suction channels.

Regarding claims 4 and 5, the suction boxes of Scori are pivotally mounted and co-axially aligned with a rotational axis of a respective said deflection roller.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (5,992,994) in view of Doyle (6,032,577) and in further view of Hayashi (6,547,384).

Rasmussen discloses all the limitations of the claims (see ¶8), but do not expressly disclose said apparatus for adjusting said guide element opposite the print head including rollers for vertically guiding said guide element.

Hayashi teaches the use of rollers (Fig.5; 61,62) for the purpose of facilitating the vertical guiding of the guide element (13) (column 3, line 11-35).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the use of rollers in the apparatus for adjusting a guide element opposite a print head, as taught by Hayashi, in the device of Rasmussen, for the purpose of facilitating the vertical guiding of the guide element.



**Conclusion**


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN  
July 5, 2005

  
GENE O. CRAWFORD  
PRIMARY EXAMINER